

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:15CR172
	)	
v.	)	
	)	
MIKEL MILLER,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the magistrate judge's finding and recommendation (Filing No. [42](#)). On September 9, 2015, the magistrate judge filed his recommendation on defendant's motion to suppress, application for Franks hearing, and request for evidentiary hearing and oral argument (Filing No. [33](#)). The magistrate judge recommended that defendant's motion should be denied in its entirety (Filing No. [42](#) at 5).

The defendant filed an objection to the magistrate judge's findings and recommendation along with an accompanying brief (Filing No. [43](#) and Filing No. [44](#)). The government filed a response to the defendant's objection (Filing No. [45](#)).

After review of the magistrate judge's findings and recommendation, the parties' briefs, and the relevant law, the Court will approve and adopt the magistrate judge's conclusions and deny defendant's motion. Accordingly,

IT IS ORDERED:

1) The findings and recommendation of the magistrate judge are approved and adopted.

2) The defendant's motion to suppress, application for Franks hearing, and request for evidentiary hearing and oral argument is denied.

3) Trial of this matter is scheduled for:

**Tuesday, November 17, 2015, at 9 a.m.**

Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, or as soon thereafter as may be called by the Court. The parties will have time to prepare for trial or pursue plea negotiations, and it will accommodate the schedule of the Court. The ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between October 6, 2015, and November 17, 2015 shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 6th day of October, 2015.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court